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DISUNION
SENTIMENT
IN CONGRESS
1794

DISUNION SENTIMENT
IN
CONGRESS IN 1794

A CONFIDENTIAL MEMORANDUM HITHERTO
UNPUBLISHED

WRITTEN BY

JOHN TAYLOR OF CAROLINE
"SENATOR FROM VIRGINIA

FOR

JAMES MADISON

EDITED, WITH AN INTRODUCTION

BY

GAILLARD HUNT

AUTHOR OF THE LIFE OF JAMES MADISON
EDITOR OF THE WRITINGS OF JAMES MADISON, ETC.



WASHINGTON

W. H. LOWDERMILK AND COMPANY

JOHN T. LOOMIS, MANAGING PARTNER

1905

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Of this work 300 copies have
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NOTE.

The manuscript memorandum herein reproduced in facsimile was written by John Taylor of Caroline, shortly after the conversation it records, and was given by him to James Madison. It was not included in the files of Madison's papers which he prepared for posterity and which the government bought, nor was it among those which Mr. J. C. McGuire collected; but was kept separate by him and after his death by his wife.

Upon Mrs. Madison's death it fell into the hands of her nephew, the late James Madison Cutts, from whose widow it was recently purchased by the publishers of this work.

This careful and close custody of the manuscript for so many years shows it was considered of the highest importance by Madison, and historical students will welcome its present publication as throwing much new light on a subject of great interest, and as giving particulars of an episode concerning which the historians of the period have been heretofore uninformed.

Introduction.

JOHN TAYLOR was born in Orange County, Virginia, in 1750, one year before James Madison, and the boys were neighbors; but Taylor afterwards moved to Caroline County, where he lived for the rest of his life, and died in 1824, at the age of seventy-four years. To distinguish him from others of the same name as himself he was called John Taylor of Caroline. He was an officer in the Revolutionary War, and ranked with the foremost men of his State. [He did not approve of the Constitution, but was not a member of the State Convention in which its ratification was so bitterly contested.] December 12, 1792, he took a seat in the United States Senate made vacant by the resignation of Richard Henry Lee, and served until he resigned in 1794. In 1803, from October 17 to December 13, he filled an unexpired term by appointment, caused by the death of Stevens Thomson Mason, and again he served from December, 1822, to his death in August, 1824. [He was in the State Legislature several times, and in 1798 introduced the famous Virginia Resolutions which Madison had prepared.] [He was one of the conference of Jefferson, George Nicholas, Wilson Cary Nicholas, John Breckinridge, and Madison, at which it was determined to formulate the creed which the Virginia and Kentucky Resolutions announced.] He was always a consistent state rights man, and the preservation of the division of power between the general and state governments was the keynote to his political belief. [“The federal party,” he said in one of his newspaper letters, to Thomas Ritchie, printed in “The Spirit of Seventy-six,” March 27, 1809, “were in favor of a government founded upon a balance of power between the departments of the government, their opponents of one founded upon its division

between government and the people, and between two governments." [It is not known whether he was an emancipationist, as nearly all the leaders of thought in Virginia of this period were, but he denounced any interference with slavery by the general government, and the fear that there would be such interference, if the policy of the general government should be shaped by an unchecked majority, was really the fundamental cause of his insistence upon state rights.]

[During his first service in the Senate in 1793 he accepted the leadership of Madison, but afterwards broke with him, and was one of the small band of Virginians who endeavored to make Monroe Jefferson's successor in the presidency, the ground for his opposition being that Madison had in 1793 introduced a bill to encourage manufactures, and was nearly a federalist in his views.] Taylor explained his reasons in a series of letters to Thomas Ritchie of the *Richmond Enquirer* printed in "The Spirit of Seventy-six" and published in pamphlet form in 1809.*

[He was independent in his fortune, and, as he never sought office, he was consistent and fearless in his political views, and his books, "Construction Construed" (Richmond, 1820,) and "New Views of the Constitution of the United States" (Washington, 1823), became text-books of the state rights school.†] Mr. Henry Adams says he regarded the Union as a matter of expediency rather than of obligation,‡ but

* A Pamphlet, containing a series of Letters, written by Colonel John Taylor, of Caroline, to Thomas Ritchie, Editor of the "Enquirer," Richmond, in consequence of an unwarrantable Attack made by that Editor upon Colonel Taylor. Published by E. C. Stanard, Editor of the "Spirit of Seventy-six."—Richmond, May, 1809.

† He also wrote "Arator; being a Series of Agricultural Essays, Practical and Political" (Petersburg, 1818); "Tyranny Unmasked," (Washington, 1822); "An Inquiry into the Principles and Policy of the Government of the United States" (Fredericksburg, 1814), and a pamphlet against the United States Bank in 1794.

‡ History of the United States, I, 143.

this remark is as true of those who opposed him as it is of him and his party. At the time he entered the Senate the Virginia statesmen certainly manifested as great an attachment to the Union as the Eastern federalists, and it was from the latter that the most serious threats of disunion came. Taylor wished for an amendment to the constitution to safeguard the rights of the states, because, he said, it would be "a ligament of the Union," and did not think of destroying the Union. When he entered the Senate the parties were nearly equally divided, and Madison was leading the attack on the federalists. In March, 1793, a series of resolutions, gravely impugning Hamilton's administration of the Treasury Department, and charging irregularity in the use of government funds, had been introduced in the House by William B. Giles of Virginia, but it was generally believed that Giles was acting at Madison's instigation, and Madison made an exhaustive speech in favor of the resolutions. Jefferson had retired from office and was giving direction to a party which was destined in six years' time to obtain control of the government and keep it for twenty-four years. Madison had introduced early in the session his bill to discriminate by tonnage dues against the vessels of nations not in treaty with the United States, the object being to compel Great Britain, to whom nearly all the vessels entering our harbors belonged, to make a treaty. She was even then arresting American vessels on the high seas, seizing their cargoes, and making the United States an assistant in her war with France. That war was being waged furiously and was involving the world. One power had been our mother country and the other our effective ally in the war for independence, and two parties sprang up in America—one French and the other English. War with England was regarded as probable, when George Cabot and Caleb Strong, Senators



from Massachusetts, Oliver Ellsworth, Senator from Connecticut, and Rufus King, Senator from New York, headed a successful movement for procuring a special mission to England. They acted together and constituted a clique which shaped the policy of the federalists in the Senate. All except Ellsworth were Massachusetts men, for King was born there and had not moved to New York till 1788. When the President refused to send Alexander Hamilton on the special mission they accepted John Jay's nomination as satisfactory, but his confirmation was opposed in the Senate by Virginia's Senators,* Monroe and Taylor, and although Taylor's objection was based upon the ground that the Chief Justice of the United States ought not to be delegated to negotiate a treaty which he might later be called upon to judicially review, King and his friends were exasperated by his opposition. That Jay's mission might have chance of success it was necessary that Congress refrain from legislation against Great Britain, but the House passed a bill, which fortunately was defeated in the Senate, to stop all importations of articles of British growth and manufacture, until compensation had been made by Great Britain for American losses and the Western posts had been surrendered. This Rufus King called the "Madison, etc., Prohibitory Act," and he laid at Madison's door the blame for every move of the opposition. A motion was made in the House to sequester British debts, and on May 6th Monroe and Taylor, as instructed by the Virginia legislature, brought the measure before the Senate. Taylor's speech in its favor was sectional and exasperating.† He said he had no interest in the British debts, but that he disapproved of the supplicating course adopted toward Great

*The Life and Correspondence of Rufus King, edited by Charles R. King, I, 522.

†The Life and Correspondence of Rufus King, I, 525.

Britain, and thought the question of making her pay for the negroes she had taken, which affected the South, and of surrendering the frontier posts she held, which affected the West, quite as important as the question of compensating the East for spoliations of its commerce. Every measure proposed by the federalists was opposed by the anti-federalists, and the difference between the two parties appeared to be irreconcilable. [The constitution had, in fact, been formed by men representing two opposing schools of thought, and it was inevitable that the contest which had been only checked by a compromise in the Constitutional Convention should be renewed in a wider arena after the constitution went into operation.]

In the Constitutional Convention James Madison was the greatest figure, but he had no abler coadjutor than Rufus King, then a delegate from Massachusetts, and both used their utmost endeavors to construct a constitution in which the national government should be clothed with real and not merely nominal power. They also acted together in the contest to secure the ratification of the constitution; but after it went into effect Madison insisted that it must be construed according to the plain intent of its wording and could not be stretched to fit Hamilton's ideas of government which the Constitutional Convention had refused to adopt. Hamilton took bitterly to heart Madison's opposition to his financial policy, and openly declared a "determination to consider and treat him as a political enemy," and the inner federalist circle in the Senate regarded him in the same light.

One of this circle was Oliver Ellsworth, now a federalist leader, but in the Constitutional Convention a champion of state influence and an opponent of Madison and King. He had insisted upon the term "national government" being stricken from the constitution, stood for equal state repre-

sentation in Congress, objected to all propositions to lodge extensive powers in the general government, and was one of the men who made the bargain with South Carolina, North Carolina, and Georgia, by which slavery was confirmed by the constitution, in return for a prohibition of taxes on exports and permission to Congress to pass navigation acts by a majority vote. In the Senate, however, in 1789, he drew up and carried to passage one of the most far-reaching acts of the first Congress—that which organized the federal judiciary and prescribed its jurisdiction.

The measures about which the fiercest conflict raged were those providing for the public debt and national bank, which the republicans believed the federalists wished to make engines of power and patronage to the national government. In his famous report of January 14, 1790, submitting his plan for supporting the public credit, Hamilton described a well-funded national debt as a desirable asset of government, and as having also a tendency “to cement more closely the Union of the States.” But the South generally objected to the whole scheme, and General Henry Lee, Governor of Virginia, when the measures were before Congress, wrote to Madison saying he would rather see the Union dissolve than submit to “the rule of a fixed and insolvent majority.” John Taylor of Caroline wrote a pamphlet against the national bank,* and a few years afterwards, June 1, 1798, Thomas Jefferson wrote him one of his most remarkable letters, strongly deprecating the idea which had been under discussion in Virginia of withdrawing that state and North Carolina from the Union. There is doubt about the correct reading of a passage of this letter, one version being that Taylor had written to Jefferson, “it was not *unwise* now to

*Jefferson to Taylor, May 1, 1794. Writings of Jefferson (Ford), VI, 507.

estimate the separate mass of Virginia and North Carolina, with a view to their separate existence," and this version was accepted as correct, until George Tucker, in the *Southern Literary Messenger* for May, 1838, stated positively that an error of copying had been made in consequence of the fading of the press copy from which Jefferson's letter was taken, and that close inspection showed the real reading to be "it is not *usual* now," etc.* This statement must be accepted as correct, for the letter and the press copy have been destroyed, and it disconnects Taylor with any inclination towards disunion. He was, moreover, an inflexible man, who did not change his opinions, and shortly before the termination of his first service in the Senate he resisted serious overtures for the dissolution of the Union made to him by two of the most powerful federalists in public life.

These overtures were made in a conversation held with him by Rufus King and Oliver Ellsworth early in May, 1794, a few days after he had made his bitter speech advocating suspension of the payment of British debts, one month before Congress adjourned, and when, having expressed his intention of resigning from the Senate, he would, it was believed, be free to use to its full extent his great influence among the people of his state. King invited him into one of the committee rooms of the Senate, where they could converse without interruption, saying he wished to confer with him seriously and candidly upon a very important subject. When they were alone he opened the conversation by saying it was utterly impossible that the Union could continue—that the South and East never agreed, and that the former clogged and counteracted every operation of government. When the two federalist Senators from South

* Writings of Jefferson (Ford), VII, 263.

Carolina, Ralph Izard and William Smith, should be replaced by anti-federalists, the Southern interest would prevail, and the East would never submit to Southern politics. Under the circumstances, therefore, a dissolution of the Union by mutual consent was preferable to a forced dissolution. At this point of the conversation Oliver Ellsworth entered the room, apparently by accident, but Taylor thought by pre-arrangement. King, however, declaring he had not mentioned the subject to Ellsworth before, repeated what he had been saying, and Ellsworth agreed with him. In the conversation which followed King was the chief spokesman, but Ellsworth occasionally joined in to express his concurrence. King said that a friendly arrangement should be made by members of the Senate and House fixing the outlines of a separation; he was himself indifferent as to the line of division from the Potomac to the Hudson. Taylor replied commending friendly and cool discussion of great political subjects, but saying he highly approved of supporting the Union, if possible, and that no material contrariety of interests opposed it; but if he was mistaken an amicable separation was certainly preferable to a hostile one. Before this extremity was reached, however, he thought an effort should be made to unite the two parties now distracting the government. The public debt was the main cause of dissension, because the federalists were suspected of a determination to use it as a political machine instead of paying it, while the anti-federalists were suspected of an intention to destroy the debt. Suppose the parties tried to remove these mutual suspicions, might not the Union then receive new vigor? Suppose the army were decreased and the taxes now going to support it were applied to paying the debt; suppose a land office were opened and the proceeds of the sales of land put to the same purpose, would not such a

course allay suspicion? But to this King would not agree. He said there were other essential differences between the extremities of the Union beside the debt. They never had thought alike and never would think alike. He has been narrowly watching Madison's conduct, and was convinced he had some deep and mischievous design. Though he would be willing to decrease the army in the course of another year, he was not willing to open a land office, and saw no remedy for existing evils but a dissolution of the Union. Taylor pressed him to say of what designs he suspected Madison, and what points he wished his opponents to concede, but he declined to enter into explanations, and reiterated that a dissolution of the Union was the only cure for the present irreconcilable political dissensions. Here the conversation closed. It made a profound impression upon Taylor, and he was thoroughly convinced that a design to break up the Union was being formed. He declared that the earnest faces of King and Ellsworth, as he saw them, disclosed their serious intentions. He thought they had approached him on the subject, because they knew he had been opposed to the constitution, and therefore supposed he was secretly an enemy to the Union, and would infuse disunion views among the anti-federalists of Virginia. He thought they had motives even deeper than they disclosed, and that a British interest lurked at bottom. So much was he impressed that two days after the conversation occurred he made a confidential memorandum of it which he sent to Madison. This memorandum is the manuscript which is reproduced in facsimile here. At a later period Madison added these words to the memorandum: "The language of K. and E. probably in terrorem."

Madison thought that King and Ellsworth meant to warn Taylor that disunion was likely to follow a continuance of the policy of the anti-federalists, and Taylor thought a dis-

union plot was being actually hatched. Madison was probably right, but it is impossible to escape the conclusion that King and Ellsworth were at this time seriously thinking of the desirability of breaking up the Union. They were then in close political cöoperation with two men, who, a few years later, stood in the front line of the disunion forces—George Cabot of the Essex junto, Chairman of the Hartford Convention in 1814, and Caleb Strong, who, as Governor of Massachusetts in 1812, resisted the order of the President, calling Massachusetts troops into the field in time of war.

Fortunately, the guiding force in the administration of the government was not in the hands of Taylor's party of unbending conservatives, nor with the intolerant federalists, but with men who followed neither and were able to check both.

Facsimile of the Original Manuscript



is open a Land office, particularly as to a great extent of country in the fork
between the Ohio & Illinois, upon which there are no Indians, and to devote
its product to the same object. — Would not these measures prove that one
party was willing to pay the debt — that the other, had announced no political
designs to its continuance — & would ^{not} a union of parties, result from a
removal of their mutual suspicions? Besides the western people would
be better pleased, & more spiritually benefited — The general belief now existing,
that the lands are held up, thro' devoted by laws to this object, to give great
Land jobbers an opportunity to sell, and to enable ^{them} by legislative intrigues and
corruption, to push their speculations beyond the Ohio, would be gratified —
— and the frauds on the imposition of taxes, dictated by local interests,
would ^{be} rendered unnecessary. But K. would not agree to any thing of this
kind — he said that there were other essential subjects of difference between
the two parties of the union, besides the debt that they never had and
never would think alike: That Mr. ^{Madison} whose conduct he had narrowly
watched, particularly on the committee of ways & means, had some
deep & mischievous design — that this he should be of opinion to disband the
army after this year, ^{if something very material did not happen,} yet he would allow no money for carrying on the Indian war, but
leave it to support itself — that he would not consent to open the land office — and
that in short he saw no remedy but a dissolution of the union. T. pressed K.
to state his suspicions of the designs of Mr. ~~Madison~~ ^{to declare} what ^{points} he
wished to be conceded by his opponents — to state the supposed objects of the two
parties, which disconnected them, independent of the debt — and to say whether
some alternative preferable to a dissolution of the union, could not be hit
upon. But he declined any explanations of these kinds, contending that the only
remedy for the political differences, was ~~the~~ a dissolution of the union
and nothing being concluded upon, the conversation ended.

Remarks.

T. upon reflection, considers the above as worthy of being communicated
to Mr. He is thoroughly convinced that the design to break the union is
contemplated. The appearance — the manner — the earnestness — and
the countenance — with which the idea was uttered, we all discover the
most serious intention. It is also probable that K & E, having heard that T
was against the constitution, had ~~intended~~ ^{intended} have themselves imbrued ~~in~~
the same.

a mistaken opinion, that he was secretly an enemy to the union, and conceived that he was a fit instrument (as he was about retiring) to infuse ardour into the supposed antifeederal temper of Virginia, consequent to their views. I cannot help believing that their views go far beyond what even this proposition discloses. A British interest is what he to fears looks at bottom. The Southern temper greatly obstructs a close political connexion with Britain. Those who would get the power to the eastward, would easily effect it as to that moiety - and then Britain & the east united, could operate persusively in various ways, to bring the South to their terms.

Mr. ~~W.~~ will see clearly, that this communication, tho' proper to be made to ^{him} ~~you~~, ought not to be disclosed to ~~any~~ others.

Phi^a May 11. 1794

The language of K. H. E. probably in terrorem

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[To facilitate the deciphering of the facsimile of Taylor's manuscript the following copy in type is provided. Words marked with an * are in Madison's hand.]

Taylor, Jn^o.*
May 11, 1794.

On the 8th or 9th instant ^{Taylor*}T. asked leave of absence of the Senate, and expressed seriously his intention to resign. ^{King*}K. soon after invited T. into one of the committee rooms, and informed him, that he wished to converse with him seriously & candidly upon a very important subject. He stated that it was utterly impossible for the union to continue. That the southern and eastern people thought quite differently. That the former cloged and counter-acted every operation of government. That when I. & S. of S. C. were out, the southern interest would prevail. That the eastern would never submit to their politicks, and that under these circumstances, a dissolution of the union by mutual consent, was preferable to a certainty of the same thing, in a less desirable mode. About this time ^{Elsworth*}E. joined K & T, as if by accident, tho' T. thought from concert. K. then, protesting that he had never mentioned the subject to E. before, ran over the same ideas, in which E. concured. K. was throughout the chief spokesman, tho' E. occasionally joined him, & appeared intirely to concur with him. It was pressed upon T. in this dilemma, that a friendly intercourse among the members, for fixing the outlines of a separation was desirable. K. declared that he was very indifferent as to the line of division, from the Potowmack to the Hudson. T. expressed his approbation of a friendly & cool discussion of great political subjects in conversation, but approved highly of supporting the union if possible, thought that no material contrariety of interests opposed it, but if he was mistaken, agreed that an amicable separation was certainly preferable. Previously to coming to this extremity, T. said that an effort ought to be made to unite the two parties which distracted the government; that he considered the debt as the great cause of these parties. Because if we might judge from their mutual accusations, one party suspected that the other was determined to use this debt as a political machine, & to counteract its payment, whilst the other suspected the first of an intention to destroy it. Suppose therefore said T. the two parties were to act in such a manner as to remove these mutual suspicions, might it not give new vigor to the union? If it was proposed for instance, to disband the indian army—to employ one third of its present expence in sudden excursions upon the heels of each other into the indian country—instead of lessening the taxes, to devote by the strongest sanction the two thirds saved to the payment of the principal of the debt—to impose a new tax, founded upon the principle of equality, for the same object—

to open a land office, particularly as to a great extent of country in the fork between the Ohio & Illinois, upon which there are no Indians, and to devote its product to the same object. Would not these measures prove that one party was willing to pay the debt—that the other, had annexed no political designs to its continuance & would not a union of parties result from a removal of their mutual suspicions? Besides the western people would be better pleased, & more essentially benefited—the general belief now existing, that the lands are held up, tho' devoted by law to this object, to give great land jobbers an opportunity to sell, and to enable them by legislative intrigues and corruption, to push their speculations beyond the Ohio, would be gratified—and the frauds in the imposition of taxes, dictated by local interests, would be rendered unnecessary. But K. would not agree to any thing of this kind—he said that there were other essential subjects of difference between the extremities of the union, besides the debt. That they never had and never would think alike. That M. ^{Madison*} whose conduct he had narrowly watched, particularly on the committee of ways & means, had some deep & mischievous design—that tho' he should be of opinion to disband the army ^{if something very material did not happen,} after this year yet he would allow no money for carrying on the indian war, but leave it to support itself—that he would not consent to open the land office—and that in short he saw no remedy but a dissolution of the union. T. pressed K to state his suspicions of the designs of M. to declare what points he wished to be conceded by his opponents—to state the supposed objects of the two parties, which disunited them, independent of the debt—and to say whether some alternative preferable to a dissolution of the union, could not be hit upon. But K declined any explanations of these kinds, contending that the only remedy for the political dissensions, was a dissolution of the union. And nothing being concluded upon, the conversation ended.

REMARKS.

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a mistaken opinion, that he was secretly an enemy to the union, and conceived that he was a fit instrument (as he was about retiring) to infuse notions into the supposed antifederal temper of Virginia, consonant to their views. T. cannot help believing that these views go far beyond what even this proposition discloses. A British interest is what he fears lurks at bottom. The southern temper greatly obstructs a close political connexion with Britain. Those who would get the power to the eastward, would easily effect it as to that moiety—and then Britain & the east united, could operate powerfully in various ways to bring the south to their terms.

M. will see clearly, that this communication, tho' proper to be made to him, ought not to be disclosed to others.

Phila. May 11, 1794.

The language of K & E. probably in terrorem.*





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